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Law Enforcement Management Institute of Texas

The Significance of Maintaining
Accurate and Up to Date Job
Descriptions.

A Policy Research Project
Submitted in Partial Fulfillment
Of the Requirements for the Professional Designation
Graduate of Leadership Command College

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September 2000

TABLE OF CONTENTS

Section	Page
Abstract	
Introduction	1
Historical, Legal or Theoretical Context	2
Review of Literature or Practice	,5
Discussion of Relevant Issues	8
Conclusions/Recommendations	12
Bibliography	

ABSTRACT

This Policy Research Project examines the importance of maintaining accurate and up to date job descriptions for an organization. They are the foundation upon which all employment practices rest. Those practices include recruiting, selection, performance appraisal, The Americans with Disabilities Act (ADA), and light duty assignments.

The importance of ensuring that an organization's employment practices are job related was pointed out at two significant times in this country. In 1964 the U.S. Congress enacted The Civil Rights Act of 1964, and in 1971, the United States Supreme Court upheld the legislation with its unanimous decision in *Griggs v Duke Power Company*.

The Civil Rights Act of 1964 was designed to eliminate discrimination based on race, religion, color, gender, or national origin. The Court's unanimous opinion in *Griggs v Duke Power Co.* affirmed and solidified the legislation. The combination of these two events make it quite clear that the United States government was and is committed to eliminating discrimination in this country by mandating that an organization's employment practices be job related.

The project's relevance to policing is clear in that it outlines several issues regarding an organization's approach to the creation and maintenance of job descriptions. It addresses several relevant questions about job descriptions, such as, who should write the policy. The policy should also outline how the policy will be implemented throughout the department.

The primary method of inquiry into the importance of maintaining accurate, up to date job descriptions was to examine the relevant law on the matter. The research also reviewed the employment practices of other agencies in the North Central part of Texas with cities that are similarly situated as the city chosen for this project, the City of Sherman. The conclusions of this project are clear. First, the United States government mandates that employment practices can not have a discriminatory effect based on race, religion, color, gender, or national origin. Secondly, accurate, up to date job descriptions are vital to those employment practices such as recruiting, selection, performance appraisal, the ADA and light duty assignments.

Introduction

There are many "reasons" managers will give justifying not keeping the job descriptions of their organization up to date. These reasons will mean nothing when managers are forced to either defend their methods during litigation, or settle out of court due to their negligence. Few of these justifications will excuse or validate outdated employment practices.

Current job descriptions are critical to all phases of an organization's employment practices. The purpose of this research project is to examine the importance of having accurate job descriptions when recruiting, hiring, and selecting personnel. Job descriptions will also be addressed as they pertain to the Americans with Disabilities Act (ADA), light-duty assignments, and the performance evaluation system of an organization such as municipalities and police departments.

The main focus of this research project is to demonstrate how having out of date job descriptions can negatively impact an organization. If not addressed, such neglect can severely hinder an organization's ability to deal with the many issues in human resources management in today's workplace.

The ramifications of an organization having inadequate job descriptions can be devastating from a financial standpoint. Another goal of this research will be to illustrate how important up to date job descriptions can be from a financial standpoint. Specifically, the intended audience for this research is the City Council, the City Manager, the Human Resources Director, the City Attorney, and the Chief of Police of a municipality.

Information for this research is obtained from the following sources; HRMagazine, Human Resource management texts, information obtained from a survey of city human resource personnel, as well as interviews with employees from eight different police departments that are located in the North Central area of Texas. These cities are similarly situated to the target city of the research, Sherman Texas.

The purpose of this research is to show that an organization with out-dated, or inadequate job descriptions, increases their exposure to liability in the event that problems arise during their employment process, or during litigation involving such processes. Upon completion of this research project, the goal will be to produce an up to date set of job descriptions to be reviewed by the policy makers and administrators of the City of Sherman.

Historical and Legal Context

Job descriptions play a pivotal role in nearly all aspects of the employment process today. In the event that an organization is called on to justify its hiring practices, it will be required to put its job descriptions on public examination for all to see. It is at this point where an organization will find out what kind of foundation they rest upon.

If organizations have been proactive in their efforts to remain abreast of the complexities of the hiring process, they will be in the best possible position by maintaining up to date job descriptions they currently work with. On the other hand, if their job descriptions are out dated, or inaccurate, management will have to explain or justify the discrepancy, which may unnecessarily expose the municipality to liability.

Up to date job descriptions are a crucial tool that all companies can use to help insulate themselves against claims of unlawful or unfair labor practices by their employees. In order to examine how important job descriptions have become in modern employment practice; a look at the history of job descriptions would be helpful.

The birth of job descriptions can be traced directly to the rapid expansion of the railroad industry in the United States. In the mid to late 1820s, the first railroads started appearing in the Northeastern United States. Once this mode of transportation started to gain acceptance, it began expanding at an astounding rate. In the 1840s extensive rail lines could be found in five of the New England states (Grolier's Electronic Encyclopedia, 1996). With this rapid expansion, came fierce competition from the different railroad companies. At stake in this competition were thousands of miles of rail, and millions of dollars in revenue.

In an effort to determine the origin of job descriptions, Dr. Richard Tedlow, a Professor of Business Administration with the Harvard Business School, where he is a specialist in the history of business, was interviewed. During this interview, Dr. Tedlow stated that during this period of time in the United States, the prevailing way to manage an employment operation was to hire one person and have them do as many different jobs as possible. Managers with the Erie Railroad started to see that the most efficient way to lay a lot of railroad track was to hire one person for one type of job and have many employees working together to finish the overall job. Dr. Richard Tedlow (personal communication, October 1, 1999).

In pursuit of the "one person for one type of job" theory, Daniel C. McCallum of the Erie Railroad, in 1854, wrote what, is believed by Dr. Tedlow, to be the first description of a job. He then placed the description of the job in the classified section of the local newspaper. By this method, McCallum could target certain workers and not waste a lot of time with generalists. As the extreme competition continued, "management needed jobs done", so the notion of having a specialist for each function continued. Dr. Tedlow (personal communication, October 1, 1999).

Dr. C.W. Von Bergon, Associate Professor of Management and Marketing at Southeastern Oklahoma State University, stated in an interview that job descriptions were solidified in the early 1900s when the Scientific Management Theory, which sought to simplify jobs, was prominent. This is the period of time in U.S. history that saw time/motion studies, along with the implementation of brief rest periods for workers. Management was looking for any possible way to have the most efficient operation possible, and written job descriptions were seen in that light. Dr. C.W. Von Bergon (personal communication, September 30, 1999).

Another force that has had a major impact on job descriptions is the United States government, starting with the Civil Rights Act of 1964. "The Civil Rights Act of 1964 probably did more than any other piece of legislation to bring the issue of job descriptions to the forefront of American Labor. The Act was designed to eliminate discrimination based on race, religion,

color, gender, or national origin. In effect, the act states that employment practices must be job related (Robbins, 1982). For this reason, job descriptions took on a two-fold importance.

The next piece of major legislation effecting the work place in American was the Equal Employment Opportunity Act (EEOA) of 1972. It created the Equal Opportunity Employment commission (EEOC). The Act charged the EEOC with the task of eliminating all forms of employment discrimination. The EEOC has broad authority to resolve discrimination up to and including the ability to file civil suits against organizations if an agreement is not reached between the affected parties (Chruden/Sherman, 1976).

Robert Thomas, an attorney who specializes in employment law, promotes, in his seminars, the concept that the first act by the EEOC when responding to an allegation of wrongdoing brought against an employer, will be to obtain the organization's job descriptions. Robert Thomas (personal communication, 1992). The EEOC will conduct its investigation beginning with a review of the complaint; is the issue in question job related?

In this country various legislative acts have been passed to push "job relatedness". When coupled with the Supreme Court of the United States decisions regarding the matter, it is very clear that both the executive and judicial branches of the U.S. government have prescribed to the notion that employment practices should be related to the job in question.

Griggs v Duke Power Company (401 U.S. 424, 1971) produced the first major challenge against the Civil Rights Act of 1964. In a landmark decision, the Supreme Court unanimously held that the act was not unconstitutional, and ruled that a companies' employment practices must be job related. "Chief Justice Burger, speaking for the Court said that the act (The Civil Rights Act "proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation." "The touchstone is business necessity and if an employment practice which operates to exclude Negroes cannot be shown to be related to job performance, the practice is prohibited". The Duke Power Case (supra) argued that the practice was not an intentional act against Blacks. The Court held that, "good intent or absence of discriminatory

intent does not redeem employment procedures or testing mechanisms that operate as "built in headwinds" for minority groups and are unrelated to measuring job capability." (Barker & Barker, p. 366, 1986)

Review of Literature or Practice

When proposing a policy change in an organization, a comparison and/or contrast should be made to the practices and policies of other organizations. In this case, the policy issue is job descriptions. However, before a review of other agency practices can take place, just what job descriptions actually are, must be defined. To gain insight into the issue of job descriptions, the following questions need to be answered. What is a job description? Who needs job descriptions? How are they used?

What is a job description? "A job description defines the overall purpose or role of the job and the main tasks to be carried out. A good job description is vital to the success of a selection procedure because it is the foundation upon which all the other processes are based...The main points to be included in a job description are:

- Location of the job - division, department, branch, or section
- Title of the job
- Job title of the individual to whom the job holder is responsible
- Job grade
- Job titles of any individuals responsible to the job holder and the numbers of employees supervised
- Brief description of the overall purpose of the job
- Main tasks carried out by the job holder - these should be listed separately in chronological order of importance
- Details of the equipment or tools used, or any special requirements to deal with people, inside or outside the company
- Special circumstances such as shifts or night work, considerable overtime or weekend working, heavy lifting, exceptionally monotonous work, unpleasant or dangerous working conditions, amount of travel required.» (Armstrong & Lorentzen, p.81, 1982)"

Who needs job descriptions? Roland Rogers, a human resources consultant and owner of Rogers and Associates believes there are enough legal issues that now make job descriptions a necessity. Job descriptions were not a priority in the past, however, there are now legal reasons to have them. He believes that you may as well get the most from the effort by using them to improve all of your employment practices. (Roland, 1998).

Based on Federal Law, and Supreme Court rulings, there can be no doubt job descriptions are required in today's business world. They should also be viewed in a different way. They

should be viewed as a positive business practice for an organization to document the requirements of a job so that all persons are informed of the expectations and requirements of the organization. Not only will it help to insulate an organization from legal liability in the event of a claim of wrongful employment practices, it should also set the guidelines for how an administration will handle its affairs. The more proactive approach an organization takes, in all areas, not just its employment practices, the more likely they will experience higher employee morale.

The final issue to be examined is how should job descriptions be use in .an organization? Job descriptions should be used in all facets of an organization's employment practices. This would include recruiting, selection, ADA compliance, performance appraisal, light duty assignments and termination. Specifically, job descriptions are essential for the effective running of a police department.

In the North Central Texas area, there are eight cities that are similarly situated as the chosen city in this project, Sherman, Texas. All of the cities have a population between 30,000 and 40,000, and all of them are in the same general proximity to the Dallas - Ft. Worth metropolitan area. These eight cities are commonly used by the City of Sherman for comparison purposes on a variety of issues.

The Sherman Police Department, (SPD) lists its job descriptions in the City's Code of Ordinances. They are neither current nor accurate. They have not been up-dated since the 1970s, and they do not accurately reflect the duties of a patrol officer in Sherman, Texas. Another problem is that they do not accurately reflect the different classifications in the SPD. For instance, the SPD deleted the classification of Detective in 1981, yet the job descriptions still show that to be an available position at the SPD. Another example of how out of date they are is the creation of the rank of Lieutenant approximately four years ago. When this occurred there were no changes made to the job descriptions.

The approach used to carry out the comparison and contrast of what other agencies were doing in the area of job descriptions was to obtain a copy of the job descriptions from the Human Resources Department's from the "comparison cities". The results of my review of the city's job descriptions, as well as the interviews I conducted with officers of each of those agencies are summarized in the table below. However, an explanation of the columns of that table would be helpful at this point.

The target cities used in this comparison were listed numerically as opposed to listing them by name. This was done because the officers were told that their identity would not be revealed when reporting the findings. The best way to accomplish this is to refrain from listing their agencies in the report. Column #2 titled, "*Have job descriptions?*" requires no explanation. Column #3 titled, "*Job descriptions accurate?*" was designed to determine whether or not the job descriptions were modified if there had been a change in the way their agency conduct it's business. This also includes whether or not there was a change in the rank structure, or positions in the agency. The last column was placed in the table to outline whether or not the agency had a formal process of review of the job descriptions. Do they review them annually, or at all?

As can be seen in the table below, all of the comparison cities have some sort of job descriptions. The same can not be said for the accuracy of their job descriptions. Four of the eight cities, or 50%, do not have accurate job descriptions. The method used to make this determination was to compare the information in the written job descriptions to the information gained in the interview.

The interview focused on whether or not the person perceived their agency as a traditional agency or an agency that had adopted a Community Oriented Policing philosophy. The interview centered on how that agency responded to recurring problems in their city, and the role of the beat officer in resolving the problem. At the conclusion of the interview an objective comparison was made to the actual job description, and a determination was made as to whether or not the job descriptions accurately reflected what the officers did in their beats.

The method used to determine whether or not a review process was in place was to simply ask the Human Resources personnel. The only exception to this was if the job description itself contained "review date" information. Of course, if the information was outdated, (12 months old) and the actual jobs performed did not match the job descriptions, then the document was deemed not to have been reviewed.

City	Have job descriptions?	Job descriptions accurate?	Periodic review process?
1.	Yes	Yes	No
2.	Yes	No	No
3.	Yes	No	No
4.	Yes	Yes	No
5.	Yes	No	No
6.	Yes	Yes	Yes
7.	Yes	No	No
8.	Yes	Yes	No

Discussion of Relevant Issues

There are numerous relevant issues that are addressed in this Policy Research Project, with the most obvious issue being the policy itself. What should be addressed in the policy? It should cover such issues as the purpose of the policy, who will write the policy as well as how often the policy will be reviewed, and who will review it. Other relevant issues include any constraints an organization might face in its undertaking, and finally, a cost/benefit analysis.

The first issue to be discussed is the policy itself. Policies are guidelines used by an organization to convey the manner in which the business of the organization is carried out. Due to the importance and complexities involved in a policy designed to address the creation and maintenance of law enforcement job descriptions, a team approach should be used.

Members of the Administrative Staff should be responsible for writing the policy with overview by the Human Resources and Legal Departments. In the event of a claim alleging a

wrongful employment act, it will be imperative that these departments be involved in the process from its inception.

The policy regarding job descriptions should be reviewed at least yearly. According to Professor Robert Grant, Coordinator of the Criminal Justice Program. at Midwestern State University in Wichita Falls Texas, states that all policies should be reviewed, and up-dated annually, if appropriate. If they are not, they are more than likely already out-dated. (Dr. Robert Grant, personal communication October 13, 1999). This policy review would ensure that anytime that there is a change in job functions or position descriptions, such as rank, the job description is altered to reflect the organizational change. Otherwise acceptance of "common practice" issues can be raised.

The policy should outline how the job descriptions will be used throughout the department. They should be used in the following area; recruiting, selection, (hiring) performance appraisal, the ADA, and light duty assignments.

The underlying issue that runs throughout these areas is validity, or job relatedness. The Courts and Legislature have both made it clear that when a claim of wrongful employment action is made, the focal point of any inquiry will be the organization's job descriptions. If the organization can not show that its actions were based on whether or not the issue is job related, the organization will have a weak legal position.

The first policy issue to be examined will be how job descriptions are used in the field of recruiting. Before they can find employees that might fit into their organization, recruiters must be able to convey to prospective employees what the job requirements are. This is done with a job description of the position to be filled. The job description is the basis for attracting qualified applicants and discouraging those who are not qualified for the position. (Sherman, Bohlander, & Snell, 1996)

The next step in the process is that of selection. Selection is the process of determining which applicants are most suitable for a position and then offering them the job. If the screening

devices or tests used by an organization are valid (job related), two objectives will have been met. First, the organization will be in compliance with the law, and secondly, the chosen employee will more than likely be a well-adjusted member of the organization (Chruden & Sherman, 1976). By having a well - adjusted employee, the company can look for a more harmonious relationship with the new employee.

An employee's performance evaluation and the disciplinary action that can result from it, often times come under scrutiny by the EEOC. The appraisal is looked at by the EEOC as a test the employee must pass. For this reason, and because it may also be used to discipline employees, the appraisal must be objective and job related. As with all employment practices, if the appraisal can not be shown to be valid, or job related, the organization may be the subject of a civil lawsuit. (Higgins, 1991) Supervisors must be aware of the requirements of the job and often this training is neglected.

Suffice to say the ADA is a complicated matter that obviously could command an entire research project. The intent of this project though is to focus only on the "job description aspect" of an ADA claim against an employer.

An organization can not discharge an employee based on a disability unless they can not perform the essential job functions of their position in the organization. However, if reasonable accommodations have been made, and the employee still can not perform those essential tasks of the job, the organization could then lawfully discharge the employee. Again, the requirements will become the central focus of any review conduct on the organization's employment practices, and those requirements must be communicated to all parties. This, as it pertains to the ADA is why it is critical for the job descriptions of an organization to be up to date and accurate. (Bland, 1998).

An example of options given to a supervisor is a light-duty status when an employee that is unable to return to work on a "full duty" status. This practice can save an organization an extraordinary amount of money. Research has shown a 25 to 35% decrease in losses when a light

duty program is available. However, many departments have no criteria in the job descriptions to give guidelines for these decisions.

The important aspect to remember about light duty policy is that positions in the program should be described in the same manner as "full status" jobs are. By doing this in advance, an organization will make known their expectations and requirements for the light duty assignment. This will remove the uncertainties that often plague an organization when an employee and the organization are faced with the issue of a light duty assignment or a lengthy medical leave.

Bob Thomas states that there are a couple of ways to handle a light duty program. You can prohibit it, (and mean it) or you can have light duty and document it with descriptions and rules to govern it. Robert Thomas, (personal communication, 1992) Either approach is legally acceptable. The deciding factor would then fall to the economics of the organization.

The final issue relevant to this project is what the cost and benefit of having a policy that requires up to date and accurate job descriptions. The costs of maintaining adequate job descriptions are minimal when compared to not having them. There are two possible approaches to dealing with this matter.

The first approach is to contract with a private company that specializes in providing this service. By employing a reputable Human Resources firm that provides job descriptions to its clients as a part of its service an organization would place itself in a good position from a legal standpoint. If the job descriptions themselves were challenged as a part of a lawsuit, The Human Resources company should be prepared to defend its methods and practices in creating the job descriptions.

An estimate for the cost of this service is \$100.00 to \$200.00 per classification in an organization. This pales in comparison to the sum of money likely to be paid as a result of a lawsuit brought on by failing to maintain the organization's job descriptions.

The other approach to the creation of job descriptions is to have them created by members of the organization itself. If this method is chosen, a team approach should be used.

The team should consist of a representative of the Human Resources Department, the City Attorney, and a member of the Administrative Staff of the organization. They should be able to accomplish this task as a part of their normal daily duties. By including these key members on the policy panel, along with adequate oversight by the City Manager's office, a policy governing the creation and maintenance of job descriptions, can be accomplished.

Conclusion/Recommendations

The purpose of this Policy Research Project is to examine the importance of having up to date, and accurate job descriptions when undertaking the employment processes or an organization. The research also addresses the importance of job descriptions when dealing with the ADA, light-duty assignments and an organization's performance evaluation system.

The relevance of this topic to today's business world is quite obvious. There are organizations that employ human resources specialist just to manage their exposure to the risk of liability. These risk managers are keenly aware of the need for accurate job descriptions, and constantly review their policies for points of attack in the event of a lawsuit.

The problem examined in this research is how neglecting an organization's job descriptions can negatively impact that organization, and create low morale because of the lack of information available to the employees. Based on the information obtained for this research project, the only logical conclusion that can be arrived at is that up to date and accurate job descriptions are essential for the overall standing of an organization. If the job descriptions are outdated and become supplanted by custom, and are not included in the agency's in service training, the job descriptions are useless.

In conclusion, the Chief Executive Officer of any organization, (for the purposes of this project) the City Manager, should ensure that a policy designed to create and, or, maintain job descriptions for each position in the city is adopted. It should address who is to write the policy, what the policy will address. The policy should also include an annual review and be brought up to date. Any changes should be incorporated as part of in service training and directives.

Information should be made available to the employees and perspective employees. All organizational directives designed to change the requirements of a job should be disseminated throughout the organization, because interdepartmental communication, as well as training and knowledge is the best insurance and protection for the City as a whole.

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